

**Questions and Answers about CIPA  
From the Montana State Library  
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**The State Library provides this assistance to library directors and board of trustees to help them understand CIPA requirements. If a public library decides not to accept E-rate or LSTA funds to fund Internet access, then the library is not required to follow CIPA.**

**What is the technology protection measure required by CIPA?**

A technology protection measure (TPM) is most commonly a filter, which is a piece of software designed to prevent Internet users from accessing particular sites. The TPM must protect against access to visual depictions that are:

- (1) obscene,
- (2) contain child pornography, or
- (3) are harmful to minors.

The first two prohibitions are defined in other parts of the federal statutes, and "harmful to minors" is defined in CIPA and is applicable to minors only. In its April 2001 rules, the Federal Communications Commission (FCC) did not elaborate on the visual depictions beyond what is in the law. CIPA does not require the filtering of text.

**Which computers must be filtered?**

The law states that a TPM that protects against access to the visual depictions referenced above must be on any of a library's computers with Internet access. This includes staff and patron computers accessed by minors or adults. Even Internet connected computers located in administrative areas not accessible to the public must still have TPMs installed.

**Where should the filtering software be installed?**

It makes no difference where the filtering is done. It can be done centrally by an Internet Service Provider, or at the server level on the library's local or wide area network, or the filter can be individually installed on each workstation.

**Must the library provide filters that can be disabled?**

In MSL's opinion, yes. The law states that any authorized staff may disable the filter, or TPM, to allow adults to have unrestricted Internet access for any lawful purpose. For the E-rate, the disabling language is applicable to adults only. That is, no person under 18 can ask to have the filter disabled. (Note: Even without CIPA, there is no constitutional protection for anyone to view obscene images or child pornography.)

The Supreme Court's ruling places considerable emphasis on CIPA's unblocking option. For example, Justice Kennedy's opinion indicates that if a patron requests unfiltered access to view constitutionally protected content, and the library does not honor such a request, then the library places itself at risk of a challenge by the patron.

**Must the adult user state why he or she wants unfiltered access?**

The law does not address the issue of requiring patrons to state why they are seeking unfiltered Internet access, but language in the Court's ruling supports the position that adult patrons simply have to request unfiltered access, with no explanation needed.

**What if our library uses filters and a child accesses a prohibited site?**

The law states that the Internet TPM must *protect* against visual depictions outlawed by the legislation. No TPM is 100% effective in *preventing* all such access. In its CIPA regulations, the FCC declined to further define the TPM requirements or to adopt any type of definition or certification on how effective a TPM must be, beyond the general "protect" language in the law. The FCC noted, "We conclude that local authorities are best situated to choose which technology measures and Internet safety policies will be most appropriate for their relevant communities." The FCC presumes that Congress did not intend to penalize libraries that act in good faith and in a reasonable manner to implement filters.

**If our library complies with CIPA, what policies should we adopt? Does the State Library have templates of policies or procedures?**

If the library board of trustees decides to apply for E-rate funding for internal connections and Internet access and thereby comply with CIPA, then the board should adopt policies and procedures to guide staff and library users. The State Library plans to develop sample policies based on information from the FCC, other interested parties, and our knowledge of Montana's public libraries. We will post these policies to our web site and publicize their availability

If you have questions, please contact:

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The Montana State Library thanks Bob Bocher, Wisconsin Department of Public Instruction, for allowing us to adapt his information for these memos. For additional resources and Montana-specific information, please consult the CIPA pages on the Montana State Library website <http://msl.state.mt.us/admin/CIPA.htm>